

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION TO COMPEL A MORE RESPONSIVE ANSWER TO APWU/USPS-T5-6(b)
(March 9, 2012)

On January 27, 2012, the American Postal Workers Union, AFL-CIO (APWU) propounded interrogatory APWU/USPS-T5-6(b). On March 6, 2012, almost four weeks after a response was due, the Postal Service filed a curt, one sentence answer that did not provide the information plainly sought by the question. Pursuant to Rule 26(d) of the Commission's Rules of Practice and Procedure APWU respectfully requests that the Commission compel the Postal Service to immediately provide a responsive answer that fully addresses the question posed.

Background

The APWU first sought the information at issue in the present motion on December 29, 2011, when it propounded interrogatory APWU/USPS-T4-9(d) to USPS Witness Neri. APWU/USPS-T4-9 asked in relevant part:

APWU/USPS-T4-9 On page 22 of your testimony you indicate that "it is imperative that the Postal Service reduce on-hand [mail processing equipment] by repositioning and/or disposing of it."

- b) What steps are currently followed to recover the investment value of excess mail processing equipment?
- c) For each of the P&DCs that have been closed since 2008, what has been done with the equipment in that location?
- d) For each of the P&DCs that have been closed since 2008, what has been done with the building?

The Postal Service redirected this interrogatory to USPS Witness Bratta and on January 12, 2012, the following response was filed:

RESPONSE:

- (b-c) For excess equipment or equipment from P&DCs that have closed since 2008, the Postal Service has multiple options - relocation, disposal, modification, storage, and/or sale. The Postal Service determines which option(s) to apply to an individual piece of equipment based on equipment life, potential utilization, operational needs, equipment condition, and Postal Service mandates.
- d) The Postal Service selected from several options, including sale, lease termination, maintenance for storage or other operations, lease, or vacancy.

Despite the fact that the interrogatory clearly sought what happened to the equipment and buildings at “each” P&DC that has closed since 2008, Witness Bratta’s response was a general listing of the options that were available to the Postal Service for the disposal of the equipment and buildings. Since this response did not produce the information requested, on January 27, 2012, APWU propounded the interrogatory at issue in this motion:

APWU/USPS-T5-6 Please see your response to APWU/USPS-T4-9, redirected to you from USPS Witness Neri.

- b) For each facility identified in subpart a)¹ describe what happened to the excess equipment and building in each case.

Interrogatory APWU/USPS-T5-6(b) clearly sought an itemized answer that detailed what happened to the equipment and buildings at **each** P&DC after **each** facility was closed. The Postal Service raised no objection to this interrogatory. However, instead of

¹ Subpart a) referred to in this interrogatory sought identification of all the P&DCs that had been closed since 2008.

answering this question in full, on March 6, 2012, Witness Bratta filed the following response:

RESPONSE:

b) Please see the response to interrogatory APWU/USPS-T4-9(c-d).

The Postal Service took 39 days to file this response. APWU reasonably assumed this time was being used to locate the information necessary to provide a responsive answer. However, Witness Bratta's response merely instructs the APWU to see the response to the interrogatory that caused the need for follow-up in the first instance. This answer clearly did not provide the detailed accounting of what happened to the equipment and buildings at each closed P&DC as requested and the Postal Service has given no indication that this information is forthcoming.

Argument

The Postal Service has failed to provide an answer responsive to APWU/USPS-T5-6(b), therefore, pursuant to Rule 26(d) of the Commission's Rules of Practice and Procedure, APWU respectfully requests that the Postal Service be compelled to provide a supplemental answer that provides the information requested.

Both interrogatories APWU/USPS-T4-9 and APWU/USPS-T5-6 clearly sought a detailed accounting of what happened to the equipment and buildings at each closed P&DC, not a listing of options. If APWU wanted to know merely all of the options available to the Postal Service for dealing with excess equipment and buildings, the interrogatories would not have specifically requested information on "each" P&DC and would have instead simply asked for the options available to the Postal Service. The Postal Service has ignored the plain reading of the interrogatories. It has now twice provided general answers when specific information was requested. There is no time left in the schedule to attempt to get the Postal Service to answer this clear inquiry a third time. Therefore, the Postal Service should be compelled to immediately respond to this interrogatory as written.

Moreover, the Postal Service raised no objection to this interrogatory, nor could it. The information request in APWU/USPS-T5-6(b) is clearly relevant to the Postal Service's proposal in this docket. When a processing facility is closed, the Postal Service must reposition or dispose of the equipment at that facility and it must decide what to do with the remaining building. This necessarily incurs a cost or may generate revenue. However, the Postal Service does not generally indicate in the AMPs what it will do with excess equipment and the associated revenue or costs unless the equipment is being moved to the gaining facility.² This information is also not typically provided in Post Implementation Reviews. However, there could be a lost investment if the equipment is stored. There is certainly a value per square feet of the space used for storage and a cost related to moving the equipment or using it for spare parts. There is also a cost associated to the remaining buildings if they cannot be put to another use or sold. What has happened to past P&DCs and the choices the Postal Service made and resulting costs incurred or revenue created has bearing on what may happen to the equipment and buildings at the facilities at issue in this case, and what costs or revenue can be expected. This is clearly relevant to the Commission's inquiry.

It is also impossible to argue that the interrogatory is unduly burdensome. The interrogatory was limited to the 17 facilities provided in response to APWU/USPS-T5-6(a). This is information that the Postal Service has, or should have readily available. Therefore, since the information sought is clearly relevant, not unduly burdensome to produce, the Commission should compel the Postal Service to provide the information requested.

Furthermore, since the Postal Service did not raise a timely objection to this interrogatory, it is foreclosed from doing so now. Moreover, Rule 26(d) makes no provision for an answer to a motion to compel when no objections have been filed. Therefore, APWU respectfully requests that the Commission expeditiously issue an order requiring the Postal Service to provide a complete, detailed listing of what happened to the equipment and buildings at the following P&DCs (provided in response to APWU/USPS-T5-6(a)):

² USPS Witness Neri Response to APWU/USPS-T5-6(c-d) Redirected from Witness Bratta (March 6, 2012).

- Daytona Beach, Florida
- Huntington, West Virginia
- Oxnard, California
- Portsmouth, New Hampshire
- Salinas, California
- Sioux City, Iowa
- Lima, Ohio
- Waterbury, Connecticut
- West Jersey, New Jersey
- Charlottesville, Virginia
- Elmira, New York
- Jamestown, New York
- Wilkes-Barre, Pennsylvania
- Royal Oak, Michigan
- Binghamton, New York
- Marysville, California
- Kansas City, Kansas

Conclusion

For the foregoing reasons, the Commission should promptly compel the Postal Service to immediately provide a more responsive answer to APWU/USPS-T5-6(b) as detailed above.

Respectfully submitted,

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